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**NORTH AMERICAN**

DEPT. OF TRANSPORTATION  
02-1301-6

FAA-02-11301-6

15 March 2002

Docket Management System  
U. S. Department of Transportation  
Room Plaza 401  
400 Seventh Avenue, SW  
Washington, D.C. 20590-0001

Dear Sirs/Mesdames:

Reference: Docket No. FAA-2002-1 1301, North American Airlines would like to submit comments on the Proposed Principal Changes to Appendix I (Drug Testing).

Section V. Types of Testing Required:

- The proposed change to paragraph A "to require pre-employment testing before hiring or transferring an individual to perform a safety-sensitive position".

This is a good procedure for eliminating any candidate who is using prohibited drugs at the time of hire, and to screen out any non-covered employee who may have slipped through the Company (non-DOT) random drug-testing program. The adverse effect of this proposed change, however, stems from sub-paragraph A.3; will we have to wait until our MRO has verified the drug test **as** negative before we can hire the individual and start his/her training? If so, this could put an undue time burden on the company that wants to hire and train its personnel in an expeditious manner. Under the present system, the hiring process can be initiated and training can commence while drug test results are pending. If a positive drug test result comes back, the candidate is terminated from the training program. Given the extremely low percentage of positive drug test results, the probability of losing a pilot (or anyone else with previous experience under the FARs) is remote. Of course it's understood by all that under no circumstances is an employee to be assigned to a safety-sensitive position prior to the Company confirming a negative drug test result.

- The proposed change "to require employees to conduct **another** pre-employment test for applicants or employees who transfer to safety sensitive positions if more than 60 days elapse between a pre-employment test and placing the individual in a safety-sensitive position".

North American Airlines opposes this change. It contradicts the entire logic of pre-employment tests. A pre-employment test is logically given to a candidate who is not yet employed (hence the name "pre-employment"). It is not unusual for 60 days to elapse between the time a pilot or dispatcher candidate walks through the front door, until he/she is completely checked out in his/her safety-sensitive functions. To give the newly checked-out employee yet

**another** pre-employment drug test makes no sense at all. This change seems to infer that an employee that requires more than 60 days of training might start using prohibited drugs before commencing his/her safety-sensitive functions. If the logic behind this change infers that safety-sensitive employees can not be trusted more than 60 days, then the random testing schedule will have to be completely reappraised.

Appendix I. Section IX. Implementing an Anti-drug Program:

Appendix J. Section VII. Implementing an Alcohol Misuse Prevention Program:

- The FAA proposes to require “New and **existing part 121** and 135 certificate holders to obtain an Antidrug and Alcohol Misuse Prevention Program Operations Specification.”

Joint Flight Standards Handbook Bulletin for Air Transportation (HBAT) 00-22A, Entitled “Antidrug and Alcohol Misuse Prevention Program; OpSpecs Paragraph A049”, was issued on January 22, 2001. It states in Paragraph 4.B that all affected active certificate holders and operators should be issued OpSpecs paragraph A049 within 30 days of the effective date of this bulletin. This was accomplished. Is the FAA proposing something that is already in effect?

All other proposals are either viewed as positive or are not applicable to North American Airlines.

Respectfully yours,

Bruce G. Flinn

Director of Safety